STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 7th day of October, 1999.

In the Matter of the IntraLATA Toll Dialing Parity Implementation Plan of Modern Telecommunications Company	)))	**Case No. TO-99-529**

ORDER REGARDING PETITION FOR MODIFICATION

On September 29, 1999, Modern Telecommunications Company (Modern) filed a petition for modification of its IntraLATA Dialing Parity (ILDP) plan. Modern stated that it wanted to modify its ILDP plan because the plan it proposed and the Commission approved would assign customers who did not choose a primary interexchange carrier (PIC) for intraLATA toll service to their interLATA carrier, and because AT&T is the interLATA PIC for many of its customers. Modern stated that, under the plan it proposed, it is concerned that a number of customers might be defaulted to a 101XXXX dialing pattern. Modern requests that the Commission allow it to modify its plan so that customers who have not chosen a PIC for intraLATA toll service by October 20, 1999, will be assigned to its long distance affiliate (Northeast Missouri Long Distance, L.L.C.) rather than to their interLATA carrier. Modern also requested that the Commission authorize it to send a notification letter (a copy of which it attached to its petition) explaining the modification to its customers. On

September 23, 1999, Modern filed a revised notification letter that corrected minor typographical errors in the version originally filed.

On September 29, 1999, the Commission's Staff filed a response to Modern's petition. The Staff suggests that the Commission not approve Modern's proposed modification, but rather impose a default assignment process different than the one Modern proposed. Staff recommends that the Commission require Modern to assign all customers who have not made a specific choice of an intraLATA carrier prior to the PTC termination date to their current long distance (interLATA) company as their intraLATA carrier on the PTC termination date of October 20, 1999, if the current interLATA company is willing to carry such calls; or if not, then to Northeast Missouri Long Distance, L.L.C. This is not the result that Modern requested, and the Commission has no reason to believe that it is a result that Modern desires. The Commission has allowed local exchange carriers some latitude in establishing and modifying their ILDP plans[1], and will not impose on Modern a modification it did not ask for.

A number of secondary carriers (SCs) proposed ILDP plans that assigned customers who did not choose a PIC to a long distance affiliate of the SC, and the Commission approved these plans. (See, *e.g.*, TO-99-514, In the Matter of the Petition of Mark Twain Rural Telephone Company for Approval of an IntraLATA Dialing Parity Plan.) The Commission will

1 For example, in Case No. TO-99-497, ALLTEL Missouri, Inc. requested that it be allowed to modify its plan in the way Staff suggests, and the Commission approved that request. Had Modern requested this modification, it is likely the Commission would have approved it.

allow Modern to modify its ILDP plan as requested, and allow it to send the notice as proposed.

IT IS THEREFORE ORDERED:

1. That the petition to modify its IntraLATA Dialing Parity plan filed by Modern Telecommunications Company on September 29, 1999 is granted.

2. That Modern Telecommunications Company shall provide notice to its customers as discussed herein.

3. That this order shall become effective on October 19, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Murray, and Schemenauer, CC., concur
Crumpton and Drainer, CC., absent

Mills, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION